

## Accredited Registers

### Targeted Review

## Association of Christians in Counselling and Linked Professions (ACC)

### October 2022

#### 1. Outcome

- 1.1 As part of our 2022 annual check of the Association of Christians in Counselling and Linked Professions (ACC)<sup>1</sup> we conducted a targeted review focusing on its updated complaints process. Our review resulted in the following Conditions of Accreditation, both of which must be completed within three months of the publication of this report:
- 1.2 **Condition One:** The ACC must address issues raised regarding a complaints process that was different to that published on its website, and to the one reviewed by the Authority in its previous assessments. This should include:
- a) Ending immediately the new complaints process and reinstating the previous process that was approved by the Authority.
  - b) Where (a) will lead to difficulties with currently open complaints, finding a way of managing those complaints in a way which is consistent with good practice in complaints handling and with good practice for such processes and the requirements of the Human Rights Act, including the right to a fair trial.
  - c) Providing a plan for development of an updated complaints procedure. This must include appropriate independent support to assure that its process is fair, transparent, consistent, explained clearly, and legally sound. The process must include lay participation at appropriate stages and clearly set out the actions it can take to manage serious concerns against registrants. (paragraph 4.10)
- 1.3 **Condition Two:** The ACC must provide a report on how it will amend its governance mechanisms to ensure clear and transparent decision-making on future changes to key regulatory processes, and compliance with our rules for Accredited Registers scheme will be achieved. This must demonstrate insight of why the issues identified arose and include mechanisms to assure that the ACC's future actions are appropriately considered, recorded, and communicated. (paragraph 4.17)

#### 2. Background

- 2.1 We monitor Accredited Registers each year to check whether there have been significant changes to key processes or significant concerns raised that could

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<sup>1</sup> The ACC were formerly known as the Association of Christian Counsellors (UK). They became the Association of Christians in Counselling and Linked Professions in October 2022. Their website and register address is: <https://www.acc-uk.org/>

affect whether the Standards for Accredited Registers<sup>2</sup> (the Standards) continue to be met.

- 2.2 In some cases, we might need to undertake a targeted review of the Register. This could be triggered by concerns at an annual check, or those raised in-year through our 'Share Your Experience' process. A targeted review consists of a more in-depth assessment of specific standards.
- 2.3 Following a targeted review, an Accreditation Panel considers whether those Standard(s) continue to be met. The Panel may issue Recommendations or Conditions. In serious cases, it may consider suspending or withdrawing accreditation.
- 2.4 The complete assessment process for existing Accredited Registers is set out in our Annual Review Process Guide.<sup>3</sup>

### **3. Reasons for the targeted review**

- 3.1 Our annual check of the ACC's register did not identify concerns for Standards One, Two, Three, Four, Seven and Eight.
- 3.2 Our 'Share Your Experience' (SYE)<sup>4</sup> process invites people to tell us their experience of a register. Through SYE, we received a concern that the ACC was using a different process for handling complaints about registrants than the guidance that had been published on its website since 2017.
- 3.3 The ACC confirmed that it had been piloting a revised process for all complaints since 2019. We were concerned that people wishing to raise concerns, and registrants, may not have been aware of the procedures that would be used. We were also concerned that the ACC had not informed us of a significant change to their regulatory processes, as required by our Notification of Change policy.<sup>5</sup>
- 3.4 We therefore carried out a targeted review of *Standard 5: Complaints and concerns about registrants* and *Standard 6: Governance*. We checked the ACC's piloted process against our Evidence Framework for Standards<sup>6</sup>, audited a sample of complaints managed under that process, and looked at how the decision to run the pilot had been made and communicated.

### **4. Review findings**

Standard 5: Complaints and concerns about registrants

- 4.1 The ACC's piloted process aimed to triage and resolve concerns in a non-confrontational and time efficient manner. The ACC could issue sanctions, including removal of registration, however aimed to resolve concerns through mediated dialogue where possible. Where concerns were not suitable for mediation, an independent investigator appointed by the ACC would gather evidence from each party. They would then provide a report including any

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<sup>2</sup> <https://www.professionalstandards.org.uk/what-we-do/accredited-registers/about-accredited-registers/our-standards>

<sup>3</sup> <https://www.professionalstandards.org.uk/docs/default-source/accredited-registers/guidance-documents/annual-review-process-guide.pdf>

<sup>4</sup> [Share your experience and feedback of accredited registers \(professionalstandards.org.uk\)](https://www.professionalstandards.org.uk/share-your-experience-and-feedback-of-accredited-registers)

<sup>5</sup> [Accredited Registers Notification of Change process \(professionalstandards.org.uk\)](https://www.professionalstandards.org.uk/accredited-registers-notification-of-change-process)

<sup>6</sup> [Accredited Registers Evidence framework \(professionalstandards.org.uk\)](https://www.professionalstandards.org.uk/accredited-registers-evidence-framework)

recommended actions and sanctions for confirmation to the ACC's Assessment Panel.

- 4.2 The ACC had received 19 concerns since the beginning of its pilot in 2019. We checked eight of 14 cases confirmed as closed by the ACC: one 'medium risk' case that went to 'Independent Investigation'; four 'medium risk' cases that were resolved through mediated dialogue, and three concerns that did not meet the ACC's acceptance criteria for complaints. We considered whether the ACC had followed its piloted process, and whether its actions were in line with our Standards.
- 4.3 We noted as good practice that the ACC had maintained an appropriate tone and level of detail when communicating with all parties to complaints. We saw that the ACC had offered support even when they could not take a complaint forward. We noted that following closure of complaints, the ACC had received positive feedback from both complainants and registrants. We did not see evidence that the ACC failed to consider how concerns received might be in breach of their codes and standards.
- 4.4 However, we were concerned about how the ACC would manage more serious allegations that could lead to disciplinary sanctions, including a registrant's removal from the register. These types of decisions can impact on employment and registration with other bodies.
- 4.5 We considered that the ACC's statement that this was not intended to be a legal process and discouraged legal representation showed a serious misunderstanding of the need for the fairness, public protection and public confidence in dealing with serious complaints.
- 4.6 We consider that Accredited Registers should have regard to the Human Rights Act 1998<sup>7</sup> as part of their public protection role. Article 6 of that Act sets out the right to a fair and public trial if 'a public authority is making a decision that has an impact on upon your civil rights or obligations'. Under the Act, a fair and public hearing includes being held within a reasonable time, heard by independent and impartial decision-makers, allows for representation and where needed, interpretation. The ACC's piloted process risked being counter to Article 6.
- 4.7 Those involved in complaints since the introduction of the piloted process in 2019 did not appear to have been given the opportunity to decide whether they wished to participate in an unpublished and still evolving piloted process. The final process itself was published in June 2022, three years after its first introduction.
- 4.8 The Panel considered the significant impact that handling of a serious complaint under the piloted process, given the concerns about fairness and transparency, could have on complainants, registrants, and the ACC.
- 4.9 Whilst we recognise that the ACC is trying to reduce stress resulting from complaints, the lack of clear process for how serious concerns will be handled in accordance with the right to a fair trial meant that immediate actions were required to maintain accreditation. The Panel issued the following Condition, to be completed within three months:

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<sup>7</sup> [Article 6: Right to a fair trial | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/legislation/human-rights-act-1998/article-6-right-to-a-fair-trial)

- 4.10 **Condition One:** The ACC must address issues raised using a complaints process that was different to that published on its website, and to the one reviewed by the Authority in its previous assessments. This should include:
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  - b) Where (a) will lead to difficulties with currently open complaints, finding a way of managing those complaints in a way which is consistent with good practice in complaints handling and with good practice for such processes and the requirements of the Human Rights Act, including the right to a fair trial.
  - c) Providing a plan for development of an updated complaints procedure. This must include appropriate independent support to assure that its process is fair, transparent, consistent, explained clearly, and legally sound. The process must include lay participation at appropriate stages and clearly set out the actions it can take to manage serious concerns against registrants.
- 4.11 Standard 6: Governance
- 4.12 Accredited Registers are required to inform the Authority of changes to key regulatory processes so that any implications on the *Standards for Accredited Registers* can be assessed, as set out in the *Notification of Change* guidance.
- 4.13 During its 2020 annual review<sup>8</sup>, the ACC informed us that the draft new process was being tested with current complaints, and that it was still being finalised. We noted that there did not appear to be any lay involvement in the process and that this, along with the other comments made by the Accreditation team should be considered. We asked that the ACC provide us with finalised versions of its complaints procedures and any guidance documents developed so that we could decide whether a notification of change is needed.
- 4.14 During its 2021 annual review<sup>9</sup>, we considered the ACC's approach to its process for informal resolution of complaints and noted that it was important that the registrant and the complainant were aware of the process to be followed and that having a published procedure would be a significant part of this transparency. The Authority decided to issue a Recommendation: The ACC should finalise and publish its revised complaints process making sure that it includes details of its informal resolution processes and that it has been updated to remove reference to the Executive Chair.
- 4.15 The ACC had not however made clear that the changes were applied to all complaints and that it had removed adjudication hearings from the new process.
- 4.16 There did not appear to be any public record of the decision by the ACC to launch the pilot. Consequently, it was unclear whether the impact of key changes such as not holding final hearings in public were considered. It is also unclear how the decision was made to put all complaints through the pilot process.

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<sup>8</sup> <https://www.professionalstandards.org.uk/docs/default-source/accredited-registers/panel-decisions/association-for-christian-counsellors/200610-Annual-Review-Report-for-publication-revised-conf.pdf>

<sup>9</sup> <https://www.professionalstandards.org.uk/docs/default-source/accredited-registers/panel-decisions/association-for-christian-counsellors/acc-annual-review-report-2021>

- 4.17 There were no formal communications to registrants, or other stakeholders about the introduction of the new pilot complaints process. Since until June 2022 the previous process was the only version published on its website, anyone wishing to make a complaint about a registrant, and registrants themselves, would have reasonably expected that process to be followed. Although those involved in complaints since 2019 appeared to have been informed once the process was underway, there seemed to have been an oversight in the governance of decision-making, and how those decisions were communicated.
- 4.18 To maintain accreditation, it is important to ensure oversight of changes to regulatory processes will be handled in accordance with the *Standards for Accredited Registers*. The following Condition was issued, also to be completed within three months:
- 4.19 **Condition Two:** The ACC must provide a report on how it will amend its governance mechanisms to ensure clear and transparent decision-making on future changes to key regulatory processes, and compliance with our rules for Accredited Registers scheme will be achieved. This must demonstrate insight of why the issues identified arose and include mechanisms to assure that the ACC's future actions are appropriately considered, recorded, and communicated.

## 5. Conclusion

- 5.1 Both Conditions are due within three months of this report. We will then reconvene our Accreditation Panel to consider whether they have been met.
- 5.2 The timeframe of three months reflected the need for immediate action to address our concerns and the Panel reserved the right to take more serious action, should it have concerns about the ACC's response.